

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GILANE POPANDA (Individually and as Successor to the Estate of Dale Popanda), and
DEANNDRASCHMOCKER, as Special Administrator
of the Estate of Dominique A. Roth,

Plaintiff,

Case No. 2:20-CV-982

v.

ADAM B. ROTH,

Defendant.

COMPLAINT

NOW COME the above-named Plaintiffs, Gilane Popanda (Individually and as Successor to the Estate of Dale Popanda), and Deanndra Schmocker, as Special Administrator of the Estate of Dominique A. Roth, assert and allege the following causes of action against the Defendant, Adam B. Roth:

PARTIES

Gilane Popanda (“Gilane”) is an adult individual and citizen of the State of Wisconsin residing at S42W27573 Oak Grove Lane, Waukesha, Wisconsin 53189. Gilane is also the successor-in-interest to her late husband, Dale Popanda (“Dale”), who died of natural causes on November 4, 2020, during the pendency of this lawsuit. (Dkt. 29.)

1. Dale and Gilane’s children are as follows: Dominique Roth (“Dominique”), deceased, Deanndra Schmocker (“Deanndra”), Deidre Popanda (Deidre”), deceased, and Desiree Popanda (“Desiree”).

2. Deandra is an adult individual and citizen of the State of Wisconsin residing at S38W28711 Prairie Falcon Pass, Waukesha, Wisconsin 53189. Deandra is also the Special Administrator in the Estate of Dominique A. Roth, (“Estate”), an ongoing probate case in Waukesha County, Case Number 2020PR150.

3. Adam is an adult individual and citizen of the State of Wisconsin who is currently serving a life sentence for the murder of Dominique and Deidre, and is being held at the Waukesha County Jail, 515 W. Moreland Blvd, Waukesha, WI 53188.

JURISDICTION AND VENUE

4. As set forth in the Interpleader Complaint filed by Prudential Life Insurance Company of America, this Court has jurisdiction under 29 U.S.C. §§ 1132(e) and (f), which gives this Court jurisdiction to hear civil actions relating to benefits due under the terms of an employee welfare benefit plan brought by a fiduciary. The group life insurance policy at issue in this action is an employee welfare benefit plan governed by ERISA.

5. This Court has supplemental jurisdiction over the claims in this Complaint pursuant to 28 U.S.C. § 1367.

6. Venue is proper in the Eastern District of Wisconsin pursuant to 28 U.S.C. § 1391(b)(2) as a substantial part of the events giving rise to the claims occurred in this District.

7. Venue is further appropriate under 28 U.S.C. § 1391(b)(1) as all Defendants reside in this District.

BACKGROUND FACTS

8. Adam and Dominique were married on July 10, 2010.

9. They did not have any children together.

10. On March 10, 2020, Adam murdered Dominique and Deidre, along with a family dog by repeated stabbings with a knife. He also substantially injured Gilane and Desiree Popanda.

11. On April 8, 2020, Adam was charged with two counts of first-degree intentional homicide, two counts of attempted first-degree homicide, one count of first-degree recklessly endangering safety, and one count of mistreatment of animals, Waukesha County Case Number 2020CF472.

12. The prosecuting attorney Ted Szczupakiewicz stated, "I don't know that in my 28 years here in the DA's office I have seen a more horrific crime than this."

13. On November 13, 2020, Adam pled guilty to the first-degree intentional homicide and the attempted first-degree intentional homicide charges. The presiding judge found him guilty but not guilty due to a mental disease or defect.

14. The reckless endangerment and mistreatment animal charges were dismissed but read into the record.

15. On December 14, 2020, Adam was committed to life sentences on both the intentional homicide charges and 60 years for each of the attempted first-degree intentional homicide charges.

FIRST CAUSE OF ACTION: WRONGFUL DEATH
(ON BEHALF OF GILANE POPANDA AND DEANN DRA SCHMOCKER)

16. Plaintiffs reincorporate the previously alleged paragraphs as if fully set forth herein.

17. The above-described acts on the part of Adam were the direct and proximate cause of the death of Dominique.

18. As a result of the death of Dominique, Gilane and Deandra have suffered damages in the form of loss of society and companionship, pecuniary loss, medical and funeral expenses, and other damages allowed by Wis. Stat. § 895.04.

SECOND CAUSE OF ACTION: SURVIVAL CLAIM
(ON BEHALF OF THE ESTATE OF DOMINIQUE A. ROTH)

19. Plaintiffs reincorporate the previously alleged paragraphs as if fully set forth herein.

20. The above-described actions of Adam were the direct and proximate cause of the death of Dominique.

21. Dominique suffered multiple stab wounds at the hands of Adam.

22. Dominique suffered extreme pain and suffering by the conduct of Adam.

23. Such pain and suffering is a survival claim which the Estate may assert on Dominique's behalf.

24. The Estate is entitled to damages for pain and suffering prior to Dominique's death as permitted under Wis. Stat. § 895.04.

THIRD CAUSE OF ACTION: INTENTIONAL INFLECTION OF EMOTIONAL
DISTRESS
(ON BEHALF OF THE ESTATE OF DOMINIQUE A. ROTH)

25. Plaintiffs reincorporate the previously alleged paragraphs as if fully set forth herein.

26. The above-described actions of Adam were the direct and proximate cause of the death of Dominique.

27. Dominique suffered multiple stab wounds at the hands of Adam.

28. Adam intended to cause emotional distress to Dominique by repeatedly stabbing her.

29. Adam's conduct was extreme and outrageous.

30. Adam's conduct was the cause and fact of Dominique's suffering extreme emotional distress prior to her death.

31. Dominique suffered an extreme disabling response from being stabbed multiple times by Adam.

**FOURTH CAUSE OF ACTION: INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS
(ON BEHALF OF GILANE POPANDA)**

32. Plaintiffs reincorporate the previously alleged paragraphs as if fully set forth herein.

33. Gilane suffered multiple stab wounds at the hands of Adam.

34. Adam intended to cause emotional distress to Gilane by repeatedly stabbing her.

35. Adam's conduct was extreme and outrageous.

36. Adam's conduct was the cause and fact of Gilane suffering extreme emotional distress.

37. Gilane suffered an extreme disabling response from being stabbed multiple times by Adam.

RELIEF REQUESTED

The Plaintiffs, Gilane Popanda, individually and as successor to the Estate of Dale Popanda, and Deandra Schmocker, Special Administrator of the Estate of Dominique A. Roth, demand judgment against the Defendant, Adam B. Roth, as follows:

1. On the first claim for relief, an order for judgment and judgment for all damages permitted under Wis. Stat. § 895.04, including \$350,000.00 for loss of society and

companionship, pecuniary damages as permitted under Wis. Stat. § 895.04, including medical and funeral expenses, loss of future earnings, and other damages as permitted under the Statute.

2. On the second claim for relief, an order for judgment and judgment for pain and suffering sustained by Dominique Roth prior to her death in an amount to be determined.

3. On the third claim for relief, an order for judgment and judgment for intentional infliction of emotional distress suffered by Dominique Roth prior to her death in amount to be determined.

4. On the fourth claim for relief, an order for judgment and judgment for intentional infliction of emotional distress suffered by Gilane Popanda in amount to be determined.

5. An award of punitive damages in an amount not less than three times the award of compensatory damages.

6. An award of costs and attorneys' fees incurred in pursuing this action.

7. Judgment for such other and further relief as the Court may deem just and equitable.

PLAINTIFFS DEMAND A JURY ON ALL ISSUES SO TRIABLE.

Dated this 21st day of May, 2021.

CRAMER, MULTHAUF & HAMMES, LLP

By: Electronically signed by Matthew M. Fernholz
Matthew M. Fernholz – Wis. SBN: 1065765
1601 East Racine Avenue, Suite 200
Waukesha, Wisconsin 53186
Telephone: 262-542-4278
Facsimile: 262-542-4270
mmf@cmhlaw.com

**ATTORNEYS FOR PLAINTIFFS,
GILANE POPANDA and DEANN DRA
SCHMOCKER**